

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

MARK HOFFMAN, on behalf of himself and all  
others similarly situated,

Plaintiff,

vs.

HEARING HELP EXPRESS, INC.,  
TRIANGULAR MEDIA CORP.,  
LEADCREATIONS.COM, LLC, LEWIS  
LURIE, INTRICON, INC., and INTRICON  
CORPORATION,

Defendants.

NO. 3:19-cv-05960-MJP

**STIPULATION AND [PROPOSED]  
ORDER FOR STAY OF  
PROCEEDINGS AND REGARDING  
CERTAIN DISCOVERY TOPICS**

**Note on Motion Calendar:**

**NOTED FOR CONSIDERATION:  
1/22/2021**

**I. STIPULATION**

The parties enter this stipulation, which is related to (1) Hearing Help's Motion to Stay Pending U.S. Supreme Court *Facebook v. Duguid* Ruling on Definition of an Automatic Telephone Dialing System [ECF 117], (2) Plaintiff's Motion to Compel the Continued Deposition of Richard Calligan [ECF 118], and (3) the Court's December 22, 2020 Order on Motion for Protective Order and Motion to Strike [ECF 106]. Specifically, the parties agree:

- This case should be stayed, including all current deadlines for any party (including, but not limited to, IntriCon, Inc. and IntriCon Corporation) to respond to pleadings and/or discovery, pending a decision by the United States Supreme Court in *Duguid v. Facebook*, No. 19-51 (argued Dec. 8, 2020);

STIPULATION AND [PROPOSED] ORDER FOR STAY OF  
PROCEEDINGS AND REGARDING CERTAIN  
DISCOVERY TOPICS - 1

CASE No. 3:19-cv-05960-MJP

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- Within two weeks of the *Duguid* decision, or at the Court's earliest convenience, the parties shall attend a status conference where a revised scheduling order will be entered;
- Among other deadlines, the revised scheduling order shall include a date certain by which Hearing Help must produce consent data, whether the data is in Hearing Help's possession or has been obtained from third parties. However, this stay does not preclude any party from issuing third-party subpoenas during the time period the case is stayed;
- Among other deadlines, the revised scheduling order shall include dates certain by which Plaintiff shall provide topics for the continued Rule 30(b)(6) deposition of Hearing Help and the deposition's completion (with Hearing Help reserving all rights to object to all or portions of said deposition notice); and
- Plaintiff shall withdraw his pending motion to compel [ECF 118].

RESPECTFULLY SUBMITTED AND DATED this 22nd day of January, 2021.

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**II. [PROPOSED] ORDER**

IT IS SO ORDERED.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE